

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
GYM DOOR REPAIRS, INC. and SAFEPAATH SYSTEMS, LLC, 15 CIV 4244 (JGK)  
(OTW)

Plaintiffs,

-against

**AFFIRMATION OF  
PHILIP FURGANG**

YOUNG EQUIPMENT SALES, INC., YES SERVICE AND  
REPAIRS CORPORATION, GUARDIAN GYM  
EQUIPMENT, QAPALA ENTERPRISES, INC., JAMES  
PETRIELLO, TRI-STATE FOLDING PARTITIONS, INC.,  
PETER MUCCIOLO, TOTAL GYM REPAIRS, INC., NEW  
YORK STATE DEPARTMENT OF EDUCATION OFFICE OF  
FACILITIES PLANNING, NEW YORK STATE SCHOOL  
FACILITIES ASSOCIATION, EASTERN SUFFOLK BOCES,  
BELLMORE PUBLIC SCHOOLS, and CARL THURNAU,

Defendants.

-----X

**PHILIP FURGANG**, an attorney duly admitted to practice before this Court, declares that  
the following:

1. I am a member of the law firm Furgang & Adwar, L.L.P., attorneys for defendants  
Tri-State Folding Partitions, Inc. (“Tri-State”), and Peter Mucciolo (“Mr. Mucciolo”)(jointly  
referred to hereafter as the “Tri-State Parties”), and Qapala Enterprises, Inc.’s (name is misspelled;  
its name is Qpala Enterprises, Inc.)(referred to herein as “Guardian”) and James Petriello (“Mr.  
Petriello”). (jointly referred to hereafter as the “Guardian Parties”) As such, I am fully familiar with  
the facts and circumstances surrounding this matter.

2. I submit this Affirmation, the attached exhibits, and the accompanying Memorandum  
of Law, in support of the Tri-State and Guardian defendants’ motion for costs, expense, and  
attorneys’ fees.

3. Attached as **Exhibit A** is a copy of Plaintiffs' Second Amended Complaint without the attached exhibits (Dkt. 91)

4. Attached as **Exhibit B** is a copy of the Amended Decision and Order (Dkt. 224)

5. Attached as **Exhibit C** is a copy of the Order dated September 19, 2018 (Dkt. 685)

6. Attached as **Exhibit D** is a copy of Defendant Total Gym's Brief (Dkt. 778, at 7-8)

7. Attached as **Exhibit E** is a copy of the Appendix (Dkt. 653, at 32-35)

8. The word count of the Memorandum of Law in Support of the Defendant Guardian and Tri-State Parties Brief is 6,875 .

Dated: West Nyack, New York  
June 7, 2019

/Philip Furgang/  
PHILIP FURGANG